

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Docket#
ALLA MEDVEDEVA, : 17-cv-05739-WFK-LB
:
Plaintiff, :
:
- versus - : U.S. Courthouse
: Brooklyn, New York
:
ASSISTCARE HOME HEALTH :
SERVICES, LLC, :
: May 23, 2019
Defendant. : 10:09 a.m./12:45 p.m.
-----X

TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Plaintiff:

Law offices of
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**BY: Steven L. Wittels, Esq.
J. Burkett, McInturff, Esq.
Andrey Belenky, Esq.
Tiasha Palikovic, Esq.**

For the Defendant:

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BY: William Matthew Groh, Esq.

At Request of Court:

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BY: Peter Godfrey, Esq.

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1 THE CLERK: Civil cause for a status
2 conference, Docket Number 17-cv-5739, Medvedeva v.
3 Assistcare Home Health Services, LLC.

4 Will the parties please state your name for the
5 record.

6 MR. WITTELS: Steven Wittels, for plaintiffs in
7 the proposed class.

8 Good morning, your Honor.

9 MR. McINTURFF: Burkett McInturff, for
10 plaintiffs in the proposed class, from Wittels Law.

11 MR. BELENKY: Andrey Belenky, for plaintiff in
12 a proposed class.

13 MS. PALIKOVIC: Tiasha Palikovic, for plaintiff
14 in the proposed class, also with Wittels Law.

15 MR. GROH: Good morning, your Honor.

16 Matthew Groh, Naness, Chalet & Naness, attorney
17 for Assistcare d/b/a Preferred Home Care of New York.

18 MR. GODFREY: Peter Godfrey at Hodgson Russ,
19 not counsel of record here, but appearing at the request
20 of the court for the documentary.

21 THE CLERK: The Honorable Lois Bloom presiding.

22 THE COURT: Good morning, Mr. Wittels,
23 Mr. McInturff, Mr. Belenky, Ms. Palikovic, Mr. Groh, and
24 thank you, Mr. Godfrey for attending today at my request.

25 This is a conference in plaintiffs' action

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1 under FLSA and New York Law.

2 At the March 14 conference in this case, which
3 I've been holding fairly regular conferences by telephone
4 in the case, I reserved decision on plaintiffs' motion to
5 appoint interim class counsel. The parties agreed to
6 stipulate conditional cert of a FLSA collective action
7 and the Court will, if necessary, facilitate the notice
8 within the perimeters that will be set.

9 The parties were last before me for a telephone
10 conference on April 11, at which time I scheduled a
11 settlement conference for today and I urged the parties
12 to double their efforts to resolve the case. And I
13 directed the parties to file by May 16, either *ex parte*
14 settlement statements or a proposed collective action
15 notice, if the parties determined that a settlement
16 conference would be futile. I received a series of
17 letters over the past few days, and each party has their
18 own distinct narrative about the time line, the status,
19 and how the settlement discussions are going.

20 On May 16 plaintiffs' counsel filed a letter
21 informing the Court that the parties' settlement
22 discussions had broken down and proposed various times
23 for holding a conference down the road. I then issued an
24 order stating that the Court would hold the conference as
25 scheduled, and the parties should appear today.

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1 Defendant's counsel then filed a letter to
2 correct the record relating to the May 16 letter.

3 Then on May 20 Ms. Blackstone, who is counsel
4 for plaintiffs in the Gonzalez action, which is pending
5 before Judge Donnelly, filed a letter asking to present
6 certain concerns today, and I note that in the courtroom
7 is an open courtroom. Ms. Blackstone and somebody by the
8 name of Brian Barber have signed on the status conference
9 appearance sheet, but I do want to say there has been no
10 motion under Rule 24 to intervene, and I do not find that
11 lawyers can just file papers in other people's cases
12 without making a motion. So I'm not going to have
13 counsel come and participate in today's conference;
14 although, it is an open courtroom.

15 Okay. With that being said, I have looked over
16 where we are. And the reason why I wanted you to be
17 here, Mr. Godfrey, is Mr. Groh has said at a number of
18 points that the defendants are interested in settling the
19 case, and he's been carrying this case, which in my mind
20 -- and I've looked at both the Gonzalez and the Medvedeva
21 case, and even though there are some overlaps, there
22 aren't great amounts of overlaps. I do understand the
23 jockeying that's going on. I do understand that there is
24 a motion request to Judge Donnelly, which is still
25 pending, I believe. You have until May 28 in the

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1 Gonzalez case to oppose it, so right around the corner.
2 And that pre-motion conference request is raising a
3 number of grounds, including lack of standing of certain
4 plaintiffs.

5 But particularly raised, the first filed rule
6 to try to get the case here, which is not the proper way
7 to get cases reassigned, people. If you believe that
8 there is a related case within the district, there is a
9 procedure under the local rules for the division of
10 business amongst judges, and you raise it to the judges
11 in the cases that you believe are related, and then you
12 ask for those judges to look them over and make a
13 decision about whether they will be deemed related.

14 So I don't get a motion for intervention from a
15 very good firm, Levy Ratner; I get mixed messages by
16 looking at the pre-motion conference request pending
17 before Judge Donnelly. I don't know what counsel is up
18 to here, but I could say if you think these cases are
19 related and should be heard together, there is a rule for
20 that. That being said, I'm leaving that completely
21 aside.

22 In my mind I don't want to be the "tail wagging
23 the dog." This is a FLSA case. The other case is an
24 ERISA case. They both have wage parity claims that are
25 state law claims. The FLSA case is my object in this

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1 case. I understand as a client your client has to deal
2 with all claims, but in my mind, and I'm putting this on
3 the record, the Gonzalez case is an ERISA case.

4 I understand there's a big claim under the wage
5 parity law, but if the ERISA claim doesn't stick, then
6 this Court is not going to hear the wage parity claim.
7 Likewise, here, we have a FLSA claim; that's what we're
8 dealing with. And so this jockeying on both defendant
9 and plaintiff side, I don't know what to tell you about
10 it. I could tell you that's not what I'm here to deal
11 with.

12 And I do understand, Mr. Wittels, that that's
13 why there is some urgency to your being appointed interim
14 class counsel, but I'm not up to that because you have
15 one plaintiff, one, and I have no idea if she's going to
16 meet all the criteria. I'm not ruling you out. You were
17 first filed; you have the claim here. I don't know who
18 the other people at the table want to introduce
19 themselves as working for Wittels Law, but I don't know.
20 Mr. Belenky might be one of the other initial sign ons of
21 plaintiff's counsel in this case.

22 MR. WITTELS: He's co-counsel, your Honor.

23 THE COURT: All right. So look, I thought that
24 you were going to go back to Mr. Schienman (ph) -- isn't
25 that the guy's name who everybody thinks is so great?

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1 MR. WITTELS: Yes, your Honor.

2 THE COURT: Why can't this go back to
3 Schienman?

4 MR. WITTELS: Your Honor, just a preliminary
5 matter. If we're going to talk about settlement, I do
6 oppose the Levy Ratner firm being here.

7 THE COURT: It's a public courtroom.

8 MR. WITTELS: I understand, but --

9 THE COURT: And you didn't want a settlement
10 conference. You were the one that told me you didn't
11 want a settlement conference. If it was a settlement
12 conference, we would conduct some business in the
13 courtroom, and then we would have gone back to the robing
14 room and the jury room, but you didn't want a settlement
15 conference.

16 MR. WITTELS: Well --

17 THE COURT: That's what you told me in your
18 letter.

19 MR. WITTELS: Yes, yes.

20 THE COURT: It's broken down, no settlement
21 conference. That means we're in the courtroom.

22 MR. WITTELS: Right, but your Honor asked me a
23 question about settlement, so -- but --

24 THE COURT: No. I asked you about going back
25 to the mediator.

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1 MR. WITTELS: We expressed that in our papers.
2 We said to the defendants and your Honor. We discussed
3 the fact that, while our settlement talks had broken
4 down, doesn't mean that settlement can't proceed while
5 we're litigating this case, which is what we --

6 THE COURT: Well, they don't want to do both.

7 MR. WITTELS: Well, I didn't hear --

8 THE COURT: And there's still a motion pending
9 before Judge Kuntz. So, you know, look I'm trying to go
10 on all cylinders here.

11 MR. WITTELS: Right.

12 THE COURT: I am. I have given this a lot of
13 thought and a lot of attention.

14 MR. WITTELS: Yes.

15 THE COURT: And, in fact, in just writing my
16 notes down, just so you hear this, gentlemen, this case
17 is a very important case. It's about work that's
18 invisible.

19 There have been labor laws passed in eight
20 states to protect domestic workers. We are talking about
21 work that is culturally devalued and generally these
22 people have to live on poverty wages. I'm not telling
23 you anything you don't know. I'm telling you why this
24 case is important and why I'm giving them more attention,
25 even though we're a wash in FLSA cases.

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1 MR. GROH: Right. Your Honor, we believe we
2 are acting in the best interest of the class as well by
3 trying to continue settlement discussions. And when
4 Mr. Wittels is done, I would like to give a history of
5 where we've gone from the last conference to this
6 conference.

7 THE COURT: Well, again, I don't want to do
8 anything that Mr. Wittels will think is taking the air
9 out of the push toward settlement. I made you come here
10 today because I think I've made it too easy for you to
11 just coast. And then I get these letters that are saying
12 they're not doing what they're supposed to be doing. And
13 quite frankly, there's a motion to dismiss pending.
14 They've turned over a lot of information, at least
15 according to my minute notes. I don't know why you
16 called off settlement conference today. I don't know why
17 you did.

18 MR. WITTELS: Judge, we feel that this case has
19 been languishing in the sense that, while your Honor has
20 taken a strong command of pushing us in that regard, this
21 is a case where we are not far apart. So if we open the
22 door to them to go back to Scheinman -- we've spoken to
23 him.

24 THE COURT: So do you have a date?

25 MR. WITTELS: Well, there's no date. He said

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1 he was going to reach out to the defendants, but that
2 should not stop us from pursuing this because once --

3 THE COURT: This is the problem. You gave me
4 a notice, which I have completely marked up. Okay.

5 MR. WITTELS: Right.

6 THE COURT: I do not agree with the notice that
7 you gave me. They then give me a notice. They've told
8 me if this goes that route, they're not going to be
9 participating the way that they have been voluntarily by
10 turning over information; albeit, not all the information
11 that you want; albeit, they haven't given you the
12 calculations that you asked for, but they have given you
13 a lot of information considering there's a motion to
14 dismiss pending.

15 I know Judge Kuntz always says that doesn't
16 stay discovery. I understand; I work in this courthouse.
17 I am doing my best to push you towards getting some
18 resolution of the case without it being a litigated
19 matter.

20 MR. WITTELS: Judge, we appreciate that. But
21 when the parties are far apart, you can't settle a case.
22 We want to give the class fair relief. What has been on
23 the table is not fair relief, so that's why we are here
24 pushing. We have very viable claims; we want to amend
25 our complaint; and we want notice out to the class.

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1 THE COURT: Well, the amend the complaint goes
2 first. If there's a motion to dismiss pending and you
3 need to amend your complaint, they have moved to dismiss,
4 you better be submitting your motion to amend with the
5 attached proposed amended complaint like this (snapping
6 fingers). Because what if the motion to dismiss was
7 being worked on by the Judge, don't you think that would
8 be a little bit of a waste of his resources to decide a
9 motion on a complaint that you want a chance to amend.

10 MR. WITTELS: Well, what we're adding will not
11 affect his -- as we discussed it -- what's already on the
12 table. We're adding certain claims that we know about
13 and that are very --

14 THE COURT: You're not going to tell me that
15 you're adding ERISA and wage parity claims because you
16 already have wage parity, right?

17 MR. WITTELS: Right, it's not an -- well -- no,
18 your Honor.

19 As we discussed in prior conferences, we're
20 proposing to add claims that are based on the payroll
21 records of the defendants that are produced, not ERISA.

22 THE COURT: That they are falsifying records
23 to Medicare or something of that nature.

24 MR. WITTELS: Among other things.

25 So, your Honor, we're very respectful that the

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1 Court is doing all it can to push the parties toward
2 settlement. Sometimes --

3 THE COURT: No. I'm not doing all I can
4 because I didn't get you to a settlement conference
5 today. That was what was supposed to happen today, and
6 then we would have gone off the record and talked
7 numbers. And we would have talked about how we can
8 eliminate that gap and you wanted me to get Mr. Godfrey
9 here. Here's here.

10 MR. WITTELS: Well, the reason is, your Honor,
11 you have to get to a certain point before it makes sense.

12 THE COURT: That's your philosophy of
13 settlement; that's my philosophy. I set this aside. I
14 prepared. I would have been prepared.

15 Again, my philosophy is you come to the table
16 and you get something done. Even if it doesn't settle,
17 you come to the table; you get something done. So you
18 shot yourself in the foot a bit, Mr. Wittels, because you
19 want me to go off the record and find out where we really
20 are and push, and, yet, you told me you didn't want a
21 settlement conference.

22 MR. WITTELS: Well, we felt, your Honor, no
23 disrespect to the Court on that, but the case has been
24 sitting. We need to get -- we need to get public
25 discovery, which we're entitled to.

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1 THE COURT: Again, sir, you're either going to
2 litigate or you're going to try to get the case resolved.
3 If they're spending the money to respond to all of the
4 requests that you're going to make, which I understand
5 you are ready to go, but you also told me you need to
6 amend your complaint. So you can't -- you can't be
7 speaking out of both sides of your mouth. It's not the
8 Curt that's holding you up here.

9 I understand they haven't come to the table
10 with a number that you think is within the realm of where
11 you want it to be. Do you know how many settlement
12 conferences I have every week where people don't think
13 that the numbers are where they should be?

14 MR. WITTELS: I'm sure.

15 THE COURT: Okay. So, look, one of my problems
16 -- Mr. Wittels, please be seated -- is Mr. Groh made it
17 clear to me that if we're going ahead on the collective
18 action, and we're going to get all the names, and we're
19 going to get all the addresses, and we're going to send
20 out a notice, that that's not going to make his client
21 want to still go forward on the path to voluntarily try
22 to get the case resolved, and I can understand that
23 position. If you're going to pay to collect all the
24 information and send notices to everybody who worked --
25 and I have a problem, because I've told you this since

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1 the beginning, that they say there are really different
2 apples and oranges here because there are the people who
3 were employed who were friends and family, the CPAP -- am
4 I saying them right?

5 MR. GROH: CDPAP.

6 THE COURT: There are the 24-hour live-in
7 people. That's not your client either.

8 So I have a problem on the collective notice,
9 even though it's a lower bar, and that's not even part of
10 what I was marking up on the notice you gave me.

11 I also want to know what the -- and I may be
12 saying it incorrectly, but the decision by the court of
13 appeals, the Andryeyeva v New York Healthcare decision
14 does in this context.

15 So I would really like it if, either we're
16 going to talk numbers, we can still break into separate
17 sessions, even though Mr. Wittels told me this shouldn't
18 be a settlement conference. I can give some time today,
19 not as much as I thought I would because you called this
20 off. I would like even more so for you to get a date
21 while we're here to go back to Scheinman, because he's
22 the one that made substantial progress in the first
23 instance.

24 What's the problem, Mr. McInturff?

25 MR. MCINTURFF: Well, what you're -- yeah, I

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1 think -- we didn't leave the first mediation, I mean,
2 with probably viewing it with the term "substantial
3 progress." I mean, there was a long day, but
4 Mr. Scheinman was sort of distracted with other things
5 happening. It's not -- in our judgment, while he's an
6 excellent mediator, there was some distraction issues,
7 and we left, after spending a good part of the day trying
8 to get certain documents that we could evaluate that
9 probably we would have liked to have seen before the
10 mediation, so there was --

11 THE COURT: But now you have those documents?

12 MR. McINTURFF: No, your Honor, we don't have
13 them, but there were -- I don't want to get into the
14 nitty-gritty.

15 Suffice it to say that when we left, we did not
16 have really any sort of parameters for where we were on
17 settlement. It took us the next six months here, January
18 to June, or five months, to try to get --

19 THE COURT: Don't rush us. We're not in June
20 yet. I got many fish to fry before June.

21 MR. McINTURFF: Sorry, you're right. You're
22 right.

23 So we didn't get to the point we're at where we
24 have a number demand, they have an offer, you know for
25 many months. The reason we called off settlement, again,

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1 is we felt that there was too big a gap.

2 If I can confer with our team -- I know your
3 Honor what you're suggesting. Can you us two minutes
4 here to confer?

5 THE COURT: Absolutely.

6 (Plaintiff's counsel confer.)

7 THE COURT: Yes. So what do you want to tell
8 me?

9 MR. WITTELS: Judge, if your Honor deem it
10 appropriate, we would be willing to discuss with you at
11 sidebar or chambers, wherever you hold it.

12 THE COURT: Neither. We have rooms, jury and
13 robing room behind the courtroom.

14 Yes, go ahead.

15 MR. WITTELS: We would be willing to proceed to
16 discuss where we're at and why we came to this point, you
17 know, off the record.

18 THE COURT: Well, I don't go off the record
19 unless both sides consent to go off the record. And I
20 don't generally hold settlement conferences without the
21 client here, and that was something I made clear, and I
22 would have liked to see Ms. Medvedeva because that's
23 important to me.

24 MR. WITTELS: Right.

25 THE COURT: It's important to me that the

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1 client is in the process.

2 MR. WITTELS: Right.

3 THE COURT: You're saying that --

4 MR. WITTELS: No, I understand. She works
5 and --

6 THE COURT: Yes. And every other plaintiff
7 that I have involved in these types of cases works,
8 Mr. Wittels.

9 MR. WITTELS: I understand, okay.

10 MR. GROH: Your Honor, we agree that it would
11 be very helpful to have a candid discussion about the
12 trajectory of this case going forward, and we came
13 prepared to have those discussions, and we would like to
14 go forward with those discussions.

15 THE COURT: So let me just ask on the record,
16 on behalf of your client, Mr. Wittels, are you consenting
17 to go off the record to speak about settlement today?

18 MR. WITTELS: Yes, your Honor.

19 THE COURT: And on behalf of your client,
20 Mr. Groh, are you consenting to go off the record to
21 speak about settlement today?

22 MR. GROH: Absolutely, your Honor.

23 THE COURT: Then I'm going to ask my law clerk
24 to go off the record. I am going to open the jury room
25 and the robing room, and I'll put two of you in there,

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1 and the other four in the other, and we'll go back and
2 forth.

3 I have to tell you two things before we go off
4 the record:

5 One, when I was trained to do this, which was
6 by Jeremy Fogel, who was a district judge in San
7 Francisco who then went on to lead the Federal Judicial
8 Center -- really bright guy -- you always have to tell
9 people how much time you have. So I have to be out of
10 here by 12:30. It's now 10:30, okay. That's more time
11 than I would ordinarily give you on the fly, but
12 something cancelled afterwards;

13 two, I am not prepared the way I would have
14 been, had you given me the settlement statements that my
15 order reflected needed to be filed. Then I would have
16 had time in the comfort of my own chambers to review the
17 materials. I reviewed a lot of things before coming
18 today, but I don't have the benefit of either of your
19 settlement statements.

20 Mr. Wittels, it was a mistake. Don't
21 substitute your own judgment. Sometimes I have an
22 instinct about things. And if you came and it was a
23 bust, so be it. You would have fulfilled what I had set
24 forward in motion, and it wouldn't have been on you.
25 Today my lack of preparation is on you.

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1 MR. WITTELS: I understand, your Honor.

2 THE COURT: Is there anything else that needs
3 to be said on the record before we go off the record?

4 MR. GROH: Your Honor, we're glad to proceed as
5 discussed. We're also glad to schedule a conference
6 within a week, bring our clients and submit our
7 statements.

8 THE COURT: No. I'm sorry to say -- I don't
9 know if you heard this, but we had two active judges in
10 Central Islip, and one of them, Joe Bianco, who is a
11 fantastic man, was elevated to the second circuit. As a
12 result, there is only one active judge in Central Islip.
13 Because of that, five hundred cases from Islip were then
14 transferred to Brooklyn. I now have six hundred cases
15 assigned to me for all pretrial purposes.

16 So I don't have that sort of availability with
17 several hours of time. We also have criminal dockets.
18 So I'm glad to speak to you today. I'm hopeful that I
19 will advance one foot from where we are. You know, each
20 time that we have these conferences, I'll put it on the
21 record, I feel a bit frustrated because I know that
22 there's something really big here that should be
23 resolved. It may not just be in this case; it may be a
24 combination settlement. I have no idea. But litigating
25 the case, I know for sure, is going to take years of time

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1 and lots of money.

2 And so their meter only goes one direction; you
3 know this. They've proved one violation; they get their
4 application for fees. So your clients, who I imagine are
5 taking this seriously but are on multiple fronts, I
6 really don't know why it's beneficial to litigate. I
7 just don't.

8 On their side I understand why it may be
9 beneficial, and I've been trying to hold them off in
10 litigating the case.

11 MR. GROH: We agree, your Honor.

12 THE COURT: Okay. Let's go off the record and
13 let's break. Please bring all of your things. We'll
14 meet at this door and we'll go behind.

15 (Off the record.)

16 (On the record.)

17 THE COURT: We are not in June yet, but it is
18 fast approaching, and I want to put this on for a phone
19 conference. And at the phone conference, what I'm really
20 interested in finding out is: Have you reached a
21 mediator and do you have a date?

22 And I know that you said it's hard and you both
23 agreed that it's hard, and I think we had some productive
24 conversations here today.

25 How would June 10 or June 14 work for either of

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1 you? It could be in the afternoons?

2 Tenth sound good to both sides? You said 14th
3 you're in court, but I can do it in the morning on the
4 14th. It would have to be the afternoon on the 10th or
5 the morning on the 14th.

6 MR. WITTELS: Plaintiffs are available on the
7 14th in the morning and the 10th in the afternoon.

8 THE COURT: And how does that work for you,
9 Mr. Groh?

10 And am I able to impose on your time again?

11 MR. GODFREY: I can't make that 10th, but I can
12 do the 14th. But I haven't appeared in this case and
13 don't have the authorization to do it from my client. So
14 if there's a settlement discussion, I will definitely
15 attend that for sure.

16 THE COURT: Well, again, this is up to you. I
17 had directed you to appear today, and I appreciate that
18 you did. I don't need you to file a notice of
19 appearance. If you want to be on the line, I don't think
20 there would be any opposition. What we're going to be
21 talking about at the next conference is whether or not
22 you've been able to get a mediator to agree to see you,
23 and I'm giving you until the end of August because that's
24 what plaintiffs have asked for. I think it should be
25 entirely doable, and I'm interested in knowing what that

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1 date is.

2 I'm also going to tell you, we discussed notice
3 in both our sessions. I told them that you want the
4 "sword of Damocles" hanging over their head and you want
5 the notice ready to go if the mediation fails.

6 They, of course, have disagreements about what
7 the notice should be. We've just started talking about
8 it. We're not going to talk about that at the conference
9 on the 14th, but I've directed them to raise to you the
10 issues that they raised to me, so that you could both
11 argue and distill it to what I need to decide.

12 I've already told you that I had some issues.
13 They have an issue, for instance, that it shouldn't be a
14 six-year notice; I agree with that. This is a FLSA
15 collective action notice; it is not a New York Labor Law
16 notice.

17 So I believe that it should be -- they're
18 trying to argue it should be two years. I'm of the mind
19 that it should be three, but that's because that's the
20 most that you could get under FLSA. They have an
21 argument on that.

22 They also argue who it should go to, et cetera.
23 I'm not going to have those arguments in the first
24 instance with both sides. I'm going to ask you to
25 distill it down to what can be agreed to.

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1 They did agree that once we get past the
2 mediation, I can have everybody ready to go on a notice,
3 but nothing is going to be sent out before that period of
4 time. And so I can get them to be battle ready, should
5 the case not resolve, with having lists of names, and
6 then you could be battle ready to have administrator or
7 whatever else you need lined up.

8 Fourteenth, what time, 10 o'clock?

9 MR. WITTELS: Works for plaintiffs.

10 MR. GROH: Yes, your Honor.

11 THE COURT: Ten o'clock on the 14th it is,
12 okay.

13 And you were too polite, Mr. McInturff, to say
14 that I've been mispronouncing your client's name all day.
15 I'm sorry and I'll try to do better the next time.
16 Medvedeva, and it was Mr. Godfrey that made it clear that
17 he was saying it right and I was saying it wrong. He did
18 it in a very nice way.

19 Okay, so you're going to try --

20 MR. WITTELS: Respectfully, your Honor, it's
21 Medvedeva. Ms. --

22 THE COURT: Say it again.

23 MR. WITTELS: -- Medvedeva.

24 THE COURT: Medvedeva, okay, good.

25 MR. GODFREY: We're all saying it wrong.

Proceedings

1 THE COURT: Medvedeva, I'll probably get it for
2 five minutes and you'll have to remind me the next time.

3 So phone status, if you could take the laboring
4 or Mr. Wittels and Mr. McInturff, to get everybody on the
5 line, and I'll be ready for you at 10 o'clock.

6 I would Like a letter by the 12th telling me
7 whether or not you've gotten a date. I'd like a check-in
8 whether or not you've gotten a date. I can't imagine
9 that you can't get a mediator lined up by the end of
10 August. That just sounds unreasonable to me. They're
11 all in business to make money.

12 Okay. Anything else on behalf of plaintiff
13 today, Medvedeva?

14 MR. WITTELS: No, your Honor.

15 THE COURT: Anything further on behalf of
16 defendants today?

17 MR. GROH: No, your Honor.

18 THE COURT: Happy Memorial Day, everybody. See
19 you. Have a good one.

20 MR. WITTELS: Thank you, Judge.

21 MR. GROH: Thank you, Judge.

22 MR. GODFREY: Thank you, your Honor.

23 (Matter concluded as of this date.)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 5th day of July, 2019.


Rosalie Lombardi
Transcription Plus II